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SUBJECT: HOW TO RESTRUCTURE A CEASEFIRE COMMISSION WITHOUT AN
EFFECTIVE CEASEFIRE IN DARFURUNAMID UNABLE TO STOP FIGHTING IN WEST

DARFUR BUT WILLING TO TRY TO SUPPORT HUMANITARIAN EFFORT

SUMMARY

¶1. (SBU) This cable provides an update on the most recent activities of the UNAMID Ceasefire Commission (CFC), impediments to its functioning and an analysis of measures the CFC Secretariat can take now to enhance its effectiveness if and when a genuine ceasefire takes hold in Darfur. The USG should push for an immediate Joint Commission meeting to address ceasefire and monitoring mechanism-related issues. End summary.

CFC CURRENT STATUS: IN STASIS

¶2. (SBU) The UN-AU Mission in Darfur (UNAMID) Ceasefire Commission (CFC) remains effectively "suspended," pending progress on the Darfur political front and resolution on a range of thorny questions, including the level of support UNAMID may offer rebel representatives, rules of procedure and the composition of the CFC itself. No regular CFC meetings are being held; Darfur Peace Agreement (DPA) signatories and non-signatories alike have been ejected from UNAMID facilities and required to return all equipment (e.g., vehicles, phones) previously provided by the African Union Mission in Sudan (AMIS). The Government of Sudan (GoS) expelled Justice and Equality Movement (JEM) representatives from all GoS-controlled areas in January, and the few Sudan Liberation Army Non-Signatory Faction (SLA-NSF) members still present in El Fasher are permitted to stay only long enough to collect outstanding Mission Subsistence Allowance (MSA) payments.

¶3. (SBU) MSA, which for months impaired the functioning of the CFC and exacerbated tensions between the rebels and AMIS, was paid (with a few individual exceptions) through September 2007 at the original, inflated rate. In December 2007, AMIS committed to paying rebel representatives for the last three months of that year, but at reduced rates (1000 dollars for CFC headquarters reps and 500 dollars for reps at the sector level). To date, the last tranche of MSA still has not been disbursed, though, according to one of the Special Assistants to Joint Special Representative (JSR) Rodolphe Adada, "the funds are sitting in Addis and are ready for payment." Force Commander Martin Luther Agwai stated from the outset of his command that, under UNAMID, no MSA will be paid, though the CFC may reasonably lend some logistical support to liaison officers (the new term for rebel CFC reps) to facilitate their participation in CFC-related activities.

¶4. (SBU) With no scheduled meetings, few rebel representatives in

town or at sectors, no assigned European Union observer and, above all, no genuine ceasefire, the vestigial CFC Secretariat is focused on developing a concept for operations--with new rules of procedure--for a "re-born" CFC, if and when there is a cessation of hostilities and a more formal agreement in place. Its work, however, is impeded by the inconvenient reality that fundamental issues, such as CFC composition and ceasefire modalities, are presently impossible to determine given the unsettled political and military landscape in Darfur.

WAYS AHEAD?

15. (SBU) South African CFC Chief of Staff Colonel Steven Van Neel explained to FieldOff in late February that the Commission continues to consider organizational issues, including the number of liaison officers. Van Neel recommends that for each ceasefire party represented on the CFC, it will have one liaison officer at CFC headquarters in El Fasher and two at each of the Sector headquarters. UNAMID will offer only logistical support to those liaison officers who are needed for an investigation or to facilitate access to rebel-held areas. Ceasefire investigations and reports will not require the consensus or approval of liaison officers for UNAMID to take action or forward to the political level. (Comment: The viability of the CFC is linked to the effectiveness of the Joint Commission, which, in theory, should provide political guidance to the CFC and deterrence to would-be ceasefire violators. A dysfunctional Joint Commission, as was the case under AMIS, will inevitably result in an impotent CFC. End Comment.)

16. (SBU) Van Neel elaborated on the vision for the CFC, emphasizing that it should be a single chamber that includes all relevant parties to an eventual ceasefire agreement. JEM and the SLA factions of Abdulwahid and Ahmed AbdulShafie must participate. Also, additional technical expertise, such as legal officers and

forensic and criminal investigators should round out the CFC Secretariat to supplement its capacity to carry out credible

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investigations.

17. (SBU) FieldOff underscored for Van Neel, based on previous CFC missteps, the importance of ensuring a civilian presence in the ceasefire mechanism. This participation could come from UNAMID political affairs or the Joint Mediation Support Team (JMST), who inevitably engage many of the same non-signatory groups and interlocutors as the CFC. Van Neel agreed that embedding UNAMID's civilian component in the ceasefire mechanism, in addition to enhancing information flow across all parts of the mission, would help ensure that political issues arising in the CFC could be more expeditiously addressed than in the past. (Comment: Among AMIS CFC's greatest failings was the lack of any AU political participation in the mechanism--as well as a paucity of guidance from the Joint Commission-- compelling the Force Commander to make political decisions--such as cuts in MSA--beyond his authority, sometimes with disastrous consequences. End Comment.)

ASSESSMENT: CFC IN THE INTERIM

18. (SBU) With progress on the political front in Darfur stalled, no meaningful implementation of the DPA's security provisions and no effective ceasefire in place, the CFC must attempt to re-cast itself for the time being as an interim monitoring mechanism. A February 19 letter from the UN Department of Peacekeeping Operations (DPKO) to UNAMID Headquarters requested that the CFC consider steps to bolster its relevance and enhance its collaboration with the JMST. There are three areas where focused efforts by the CFC could set the foundation for greater effectiveness if and when a ceasefire takes hold in Darfur.

19. (SBU) First, the CFC can continue to serve as the military focal point for dialogue with the rebel fighters in the field.

Maintaining these channels of communication is essential in facilitating UNAMID's overall acceptance and access to rebel-controlled areas. The Force Commander and CFC Chief of Staff have already engaged with non-signatories, but these efforts must be sustained until and beyond the adoption of a ceasefire. Developing these relationships early is critical. SLA Non-signatories faction (NSF) representative LTC Abdou conveyed to FieldOff his frustration that UNAMID was already beginning to resemble AMIS, caving to GOS manipulations (on TCCs, expulsion of non-signatory CFC representatives and renewed fighting in West Darfur) and not sufficiently consulting with factions outside of the DPA.

¶10. (SBU) Second, the CFC must shift its immediate focus to monitoring and verification of hostilities impacting civilian population. These activities should be undertaken in concert with the civilian component--especially the UN Department of Safety and Security (UNDSS) and UNAMID Protection--to allow for a more comprehensive understanding of events on the ground. As the Joint Mission Analysis Cell (JMAC) grows and UNAMID gains greater force capacity, the CFC should be able to better monitor and verify hostilities, which will inform the civilian arm of UNAMID involved in any ceasefire or, eventually, broader political negotiations.

¶11. (SBU) Third, the CFC, drawing upon expertise from DPKO and international partners, must continue to closely examine the security provisions of the DPA to identify areas that require strengthening, acknowledging that any future ceasefire must, above all, be "implementable" by the parties and backed up by robust international verification. Connected to this, the CFC should clarify its rules of procedure, with oversight from UNAMID political leadership, to ensure that it does not stray--as has happened in the past--from its mandate or authorities.

Comment

¶12. (SBU) An eventual cessation of hostilities and ceasefire will be the cornerstone of any peace process in Darfur. Without an effective mechanism and the capacity to enforce such an agreement, an end to the crisis in Darfur will remain elusive. The USG must continue to urge international partners and the UN/AU-led mediation process to focus on this objective and be willing to lend the necessary resources and political capital to make attaining it a realistic possibility. Post recommends that Washington demarche DPKO, Addis and Darfur partners to convene an immediate Joint Commission meeting to address ceasefire-related issues and re-focus attention on the establishment of a verification and monitoring mechanism under UNAMID.

FERNANDEZ